

APPROVED: Meeting No. 24-84

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 21-84

June 25, 1984

The Mayor and Council of Rockville, Maryland, convened in executive session in the Board and Commission Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 25, 1984, at 7:15 for consultation with Counsel.

There being no further business to come before the Council in executive session the meeting was adjourned for general session.

Re: General Session

The Mayor and Council of Rockville, Maryland convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street on Monday, June 25, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tynor, II
(arrived at 8:05 p.m.)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Rockville Municipal Swim Club will be represented by four swimmers at the United States Swim Trials in Indianapolis June 23-30. They are Dave Ryan, Dan Veatch, Jude Desando and Beth Spector.

2. Mr. Olson reported that there had been some questions concerning the construction of the parking lot at the Senior Center, however, the questions have been answered. One being the ball field will not be lost. Although the basketball court is smaller, there will be additional hoops. The play equipment is being replaced and the overflow parking will be handled on grass and not on a gravel lot.

3. The City has been the recipient of an award from the Maryland Chapter of the American Society of Landscape Architects for Environmental Enhancement. The award which is shared with Baltimore, is for the City's Art in Public Spaces Program.

4. Notification was received today that the Board of License Commissioner's will be reviewing a license application by the Hard Times Cafe to construct a restaurant in the Safeway space at the Woodley Gardens Shopping Center. Testimony will be forwarded to the Mayor and Council for their approval at the next meeting.

5. The dedication of the flag at the F. Scott Fitzgerald Triangle will take place on July 4 at 10 a.m. The lights will be turned on for the first time that evening.

Councilman Abrams asked the City Manager for further information concerning the survey of the Summit Apartments. Councilman Abrams stressed that it is in the City's interest to be kept informed since the City's tax exempt powers were used for the purchase and City funds have been earmarked for the survey. Since the City is an interested party in two ways, if the survey cannot be performed, the City should be informed. The City Manager said to the best of his knowledge all terms are being fulfilled. Ms. Adrienne Carr, present in the audience asked if there might be an executive session later in the evening in order to discuss the survey. The Mayor and Council agreed to this.

June 25, 1984

Re: Award presentation to
Amateur Talent Show
winners

Betty Cheslosky, Arts Coordinator, briefed the Council and explained that the City had sponsored the Second Annual Amateur Talent Show at Courthouse Square Park and the following people received awards.

In the Youth Category:

First Place went to Katherine Liu for a piano solo.
Second Place went to Miriam Plotkin for singing.
Third Place went to Lauren Stein for singing

In the Teen Category:

First Place went to Sherrie Echarte for a dance routine.
Second Place went to "Radio Active" for a breakdance routine.
Third Place went to the "Barbershop Belles"

The members of "Radio Active" are Chris Bowers, Paul Crabtree, Jody Hardister, Shaun Sharkey, Troy Wooldridge, Robbie Wyatt, and Matt Wyatt.

The members of the "Barbershop Belles" are Susan Berry, Gina Entlich, Megan Hannon, and Gretchen Wahl.

Re: Citizen's Forum

1. Jerome Leszkiewicz, Woodley Gardens Civic Association. Mr. Leszkiewicz thanked the Director of Recreation for his explanation of the perceived problems at the Senior Center Parking Lot. He told the Council that the Civic Association will be meeting tomorrow evening to discuss the application for the use of the Woodley Shopping Center for the Hard Times Cafe. He noted there could be a parking problem with the opening of the restaurant and he did not know what stance the Civic Association would take as to the granting of the license but asked that a member of the Mayor and Council attend the meeting. Mayor Freeland said that a member of the Mayor and Council would be there.

2. John Souner, 205 West Montgomery Avenue. Mr. Souner addressed the Council and protested the reduction in hours for the weight and exercise room at the pool. He explained the amount of time needed for a work out and asked that

the hours be extended. The Mayor and Council asked that the Director of Recreation look into this.

3. Diane Kramer, representing Congressional South and Congressional North Developers. Ms. Kramer apologized to the Mayor and Council for tree removal that took place in front of the Congressional North Shopping Center. She asked the Mayor and Council to act favorably on the SWM waiver that is before them this evening.

4. Steve Wilson, Crowell and Baker. Mr. Wilson told the Council that his firm is the developer of the Rollins Avenue site where a use permit has been issued. He asked that the Mayor and Council approve the SWM waiver on this evening's agenda since his company is ready to build.

5. Steve Fisher. Mr. Fisher told the Mayor and Council that there are some rental properties in his neighborhood that should be inspected. He noted that the intersection of Wesley Road and Neal Drive needs surfacing and he suggested that the Council look into the restriping of the parking lot at the Civic Center for compact cars.

6. Jerome Leszkiewicz addressed the Council and said the State Highway Administration may be meeting with the Woodley Gardens Neighborhood concerning the widening of I-270 in late July. He added that no further word has been received by the association on the North Rockville School site. Mayor Freeland noted that the County Executive has been made aware of the City's interest in the preservation of the property.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizens forum portion of the meeting.

Re: Resolution: To
establish Service
Charge rate -
Municipal Refuse
Collection

Resolution No. 24-84

Mayor Freeland explained that this Resolution before the Council this evening is a reduction in rate because of the change in the County's tipping fee.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 24-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing a service charge rate for municipal refuse collection, was adopted by the Mayor and Council.

Re: Decisions and
Instructions to staff
re RTH-5-84,
Exploratory
Application for a
residential townhouse
development on the
site of the former
Maryvale School

This is an application for exploratory stage approval of a twenty unit residential townhouse development on the former Maryvale Elementary School site.

On motion of Councilman Duncan, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant application RTH-5-84, according to the staff's recommendation.

Re: Adoption of
Ordinance: To grant
zoning application,
M-38-84, Michael J.
Friedman, Applicant,
206 Monroe Street, to
Transitional Office
Zone.

Ordinance No. 30-84

On motion of Councilman Abrams, duly seconded and unanimously passed,

Ordinance No. 30-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, granting zoning application M-38-84, for 206 Monroe Street, was adopted by the Mayor and Council.

Re: Adoption of
Ordinance: To grant
zoning application,
M-39-84, Michael J.
Friedman, Applicant,
204 Monroe Street, to
Transitional Office
Zone.

Ordinance No. 31-84

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 31-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, granting zoning application, M-39-84, for 204 Monroe Street, was adopted by the Mayor and Council.

Re: Approval of Request
for on-site storm
water management
waiver for Montrose
Park - (Congressional
Airport Hanger)

Because the developers of these three areas cannot provide the preferred type of on-site SWM and are seeking waivers of their SWM requirements, and because there is an existing compensating SWM facility nearby (and also because the problem of the undersized storm drain through 1776 Plaza can be resolved), it is recommended that the Mayor and Council waive on-site SWM requirements on these three lots with contributions toward the public SWM program as follows:

- (1) Part of Lot 4, Block P, Montrose - R. Cohen - 3 acres (\$36,000);
- (2) Lot 1, Block P, Montrose - M. Barlow - 1.8 acres (\$21,600); and
- (3) Lot 3, Block B, Montrose - R. W. Lebling - 1.0 acres (\$12,000)

Further, this recommendation includes a condition that the 1776 Plaza storm drain outfall be bonded prior to issuance of building permits, and be in working order prior to issuance of occupancy permits.

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On motion of Councilman Abrams, duly seconded and unanimously passed, Storm Water Management waivers were approved and contributions accepted.

Re: Award of Bid: No.
67-84, Dawson Farm
Storm water
Management Pond and
Recreational
Improvements and
Storm Drain at 346
Edmonston Drive

Nine bidders picked up the bid package. Of this number, only two submitted bids as follows:

	Project A (Dawson)	Project B (Edmonston)
Allied Contractors, Inc., Baltimore, MD	\$332,575.00	\$17,600.00
Peak, Incorporated, Beltsville, Md	355,230.00	18,075.00
Engineer's Estimate	\$277,281.00	\$ 9,916.00
Remaining appropriation (including P.O.S. Funds)	198,946.00	4,996.00

Based on staff inquiry, it appears the low level of participation is due to the heavy volume of work currently available to local contractors. The two contractors submitting bids are from outside the area and are unfamiliar to the staff.

The large difference in the appropriation and the engineer's estimate for the Dawson project is accounted for by two factors. The first is the scope of the project. As a result of broadening the scope of the SWM project to include the recreational facilities and also by including such features as natural stone gabions, the cost has increased substantially. Secondly, the SWM project was authorized in FY 1980 and construction cost inflation in the intervening years has also caused a substantial cost increase.

It is the staff's opinion that the Dawson bids are excessive. It seems probable that by incorporating certain changes in the plans and rebidding the project and, if it is possible to generate local contractor interest, prices

more in line with the engineer's estimate can be expected.

Based on the reasons cited, it is recommended that the bids for both projects be rejected and the project rebid on the basis outlined above.

Councilwoman Hovsepian asked the timetable for rebid. The City Manager said it would take a week or two to bid the project and then two weeks for a response. Councilman Tyner suggested the bid be split for easier implementation.

On motion Councilman Duncan, duly seconded and unanimously passed, Bid No. 67-84, was rejected and the staff was instructed to rebid the projects.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Golden family re College Gardens School site
2. Delegate Boergers, re widening of I-270
3. County Executive re signal at Dover and Cude Drive
4. J. B. Griffin, re resignation from STAR
5. D.M. Smith, re neighborhood problem

Councilwoman Hovsepian asked if this person would be included in the parking permit area. Councilman Tyner suggested that the staff talk to the Twinbrook Citizens Association and consider combining applications so that there can be a plan for permit parking throughout Twinbrook.

6. Delegate Gordon, re I-270
7. E. Kropp, re resignation from HRC
8. P. Ferguson, re baseball problem

Councilwoman Hovsepian asked how coaches are assigned to a team. The City Manager explained the process.

9. G. Barte, re neighborhood problem

Re: Information Items

1. Information on Project Go
2. Letter to County Executive re North Rockville High School Site
3. Hotel Phone Survey

4. Information on Payments in Lieu of Taxes

Councilman Tyner asked that this information be passed to the Rockville Housing Authority : they might send a formal comment to the Mayor and Council.

5. Reprint from Public Works magazine

Mayor Freeland complimented the staff and suggested to the City Manager that there should be a way to recognize these employees. He asked the City Manager to forward suggestions.

6. Memo on vacancies at Rockville Housing Authority apartments

7. MARYLAND HERITAGE NEWS

8. Memo from Director of Planning re Washingtonian Country Club development (NXPB)

Mayor Freeland asked that a work session be set with the Planning Department, the Planning Commission and the Mayor and Council to decide how to proceed since an equitable decision has been reached by this task force. It was agreed that a date would be set as soon as possible.

9. Memo from CDHA re status report on relocation - Fireside Park Apts. (Summit)

Councilman Abrams asked that this information be forwarded to those doing the survey since he would like to see a breakdown on the relocation efforts and also an explanation of whether a Rockville mailing address is residency within the City.

10. Proposed Smoothscal list for FY 85

Councilman Abrams said he is pleased to see the staff shows no favoritism in refinishing the streets.

11. Traffic forecast from MD. DOT re Ritchie Parkway

Re: New Business

1. Councilman Duncan noted that the Mayor and Council had earmarked funds in next year's budget for traffic study to be done on the Rockville Pike. There are more problems on the Pike than just traffic due to development reaching the top capacity that the sewage system can handle. He noted that it will take some time for the City to get on top of the situation and because of that it would be a good idea to entertain a moratorium in which time a study can be done of the Pike and recommendations made for how to handle the over capacity.

Councilman Duncan moved, duly seconded and passed, that the City Attorney provide the Mayor and Council with such a resolution this evening. The Council can return to this item when the resolution is provided.

2. Councilman Tyner commended Councilman Duncan on his election to the Board of Directors of the Maryland Municipal League.

3. Councilwoman Hovsepian asked that those business people who contributed to the Targets of Opportunity and the Public/Private Partnership, be included on the volunteer list for appreciation night. The Mayor agreed and said at the same time the City would be thanking some volunteers the evening of the fire works.

4. The City Manager introduced David Loevinger, a recent graduate of Dartmouth University, the new intern in the City Manager's office.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed the Minutes of Meeting No. 16-84, June 4, 1984, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed the Minutes of Meeting No. 17-84, June 5, 1984, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 18-84, June 7, 1984, were approved as amended.

Re: New Business
(Continued)

1. The City Attorney provided the Mayor and Council with the resolution as instructed.

Re: Resolution: To
impose a moratorium
on the receipt and
processing of
applications for use
permits and zoning
map amendments
regarding property
located in the
Rockville Pike
Corridor Plan Area of
the City.

Resolution No. 25-84

This is an effort by the City government to constrain development activity occurring in the Rockville Pike Corridor planning area in order to allow sufficient time to assess the adequacy of public facilities. Traffic in the Rockville Pike corridor is presently operating at or near the designed capacity of the existing road network. Increased traffic flows are expected at several intersections in the vicinity of the Twinbrook Metro Station when it opens in December. The potential for severe traffic congestion of extended duration or even complete breakdown of traffic flow during peak hours becomes increasingly likely. The adequacy of capacity in the sewage transmission lines serving the Corridor is currently under study by the Department of Public Works. A problem in the Rock Creek Basin transmission system in the Halpine/Twinbrook area will require that sewage flows from the western portion of the corridor be diverted back to the Cabin John Basin, where a majority of the area now drains. Both transportation and sanitary systems are inadequate to accommodate future development. These conditions warrant some type of action for a certain period of time. During this period two simultaneous actions can be pursued, a comprehensive analysis of traffic conditions now and in the future based on forecasts and development and a text amendment that can reduce the development, FAR, and building height. Councilman Abrams noted that this will give the City an opportunity to have a control over its own destiny. Mayor Freedland asked that copies

of this resolution be forwarded to the Rockville Pike Corridor Study Group so that analysis can begin immediately and no time will be wasted on this moratorium.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 25-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, imposing a moratorium on development was approved by the Mayor and Council.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and passed, the meeting was closed for executive session for consultation with Counsel.

Re: Adjournment

There being no further business to come before the Council in executive session the meeting was adjourned at 9:40 p.m. to convene again in general session on Monday, July 9, 1984, at 8:00 p.m. or at the call of the Mayor.